

1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA  
 3

4 JOHN ROE, et al.,

5 Plaintiffs,

6 v.

7 BERKELEY UNIFIED SCHOOL  
 8 DISTRICT,

9 Defendant.

Case No. 15-cv-03871-TEH

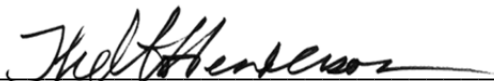
**ORDER GRANTING  
 PRELIMINARY INJUNCTIVE  
 RELIEF**

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 11 This matter came before the Court on September 1, 2015, on Plaintiffs' motion for  
 12 a preliminary injunction. Having considered the parties' written and oral arguments, the  
 13 Court now GRANTS Plaintiffs' request for preliminary injunctive relief. Defendant  
 14 Berkeley Unified School District shall allow Plaintiff Jason Roe to begin the 2015-16  
 15 academic year at Malcolm X Elementary School. This injunction shall remain in effect  
 16 only until either (a) the parties agree on the student's placement, either before or after an  
 17 IEP meeting is held, or (b) an administrative law judge has rendered a decision on  
 18 Plaintiffs' request for due process, which Plaintiffs shall file within the next seven days.

19 The parties shall file a joint statement notifying the Court within seven days of  
 20 either of these conditions being satisfied. The joint statement shall also include the parties'  
 21 positions on whether the case should be dismissed or, if not, what issues remain to be  
 22 resolved and the parties' proposed schedule for resolving those issues.

23  
 24 **IT IS SO ORDERED.**

25  
 26 Dated: 09/01/15

  
 27 THELTON E. HENDERSON  
 28 United States District Judge